

Please amend the application by adding the enclosed drawing sheet showing new Fig. 8 to the application.

REMARKS

The Examiner has allowed claims 13-17, 19-26 and 28-31. The Examiner has indicated claims 18 and 27 would be allowable if rewritten to overcome an objection pertaining to a typographical error. The Examiner has also indicated that claims 5, 10 and 11 would be allowable if rewritten in independent form.

Claims 1, 3, 4 and 6 stand rejected as anticipated by U.S. Patent Publication No. 2004/0090797 to Cohen ("Cohen"). Claims 2, 7-9 and 12 stand rejected as rendered obvious by Cohen in view of other cited art. Therefore, claims 1-4, 6-9 and 12 remain at issue in this response.

Claim 1 and the specification have been amended, and Fig. 8 has been added, because Applicants have now added "a valve operatively associated with the handle for dispensing a beverage" to their claims. The new text and figure do not represent new matter because the description of the invention describes a "tap" for dispensing a beverage throughout. *Webster's Ninth New Collegiate Dictionary* defines tap as "a device consisting of a spout and valve attached to the end of a pipe to control the flow of a fluid." (See Exhibit A).

An amendment to an application is not new matter within the Patent Act or Rules of the Patent Office unless it discloses an invention, process or apparatus not theretofore described. *Application of Wright*, 343 F.2d 761, 52 C.C.P.A. 1185 (1965). If the later-submitted material simply clarifies or completes the prior disclosure it cannot be treated as new matter. *Id.* The amendments to the specification merely render explicit what had been implicitly disclosed originally in the use of the word "tap," and while new language has been added, not all new language is *ipso facto* new matter. See *Id.*

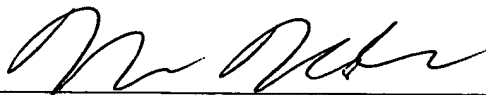
Therefore, the man on the street, let alone one of ordinary skill in the art of tap handles, would recognize that a tap for dispensing a beverage comprises a spout and valve, as evidenced by the dictionary definition of "tap." Therefore, applicant's amendment showing a tap according to the prior art is not new matter.

Claim 1, as amended, now claims a tap comprising a handle according to the invention and a valve for dispensing a beverage. Cohen does not disclose a valve for dispensing a beverage. Additionally, there is no motivation to look to the field of maracas for tap handles for beverage taps. Therefore, Cohen is non-analogous art and not properly combinable with the other references relied upon by the Examiner.

Claims 2-4, 6-9 and 12 depend from claim 1 and include the limitations of claim 1. As such, claims 2-4, 6-9 and 12 are patentable over the prior art for at least the same reasons as claim 1.

Based on the foregoing, the allowance of claims 1-12 is respectfully requested. If for any reason the Examiner is unable to allow the application on the next Office Action, the Examiner is requested to contact the undersigned attorney for the purpose of arranging such an interview.

Respectfully submitted,



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